

**REMARKS**

Reconsideration of this application is respectfully requested in light of the above amendments and following remarks. Claims 2, 3 – 5, 9 - 11, 13, 17 and 18 have been or are currently cancelled without prejudice or disclaimer. Claims 1, 6 – 8, 12, 15 and 16 are pending in this application.

I. Claims 8, 9 and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 was amended to clarify the gap as being the early recited gap articulated in claim 7. Further, in claim 7 “tunable dielectric phase shifter” was deleted and replaced with “the device” which was in the preamble of claim 7 in order to obviate the 112 rejection due to lack of antecedent basis.

Claim 9 has been cancelled.

Regarding claim 14, it now recites dependency to amended claim 2.

II. Claims 2, 6, 7, 12, 15 and 16 were allowable over the prior art of record.

**PATENT**

**Serial No. 09/838,483**

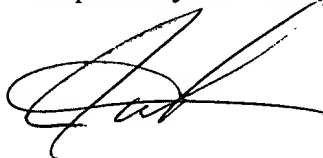
**Docket No. JSF01-0047/WJT008-0009**

**CONCLUSION**

It is respectfully submitted that, in view of the foregoing amendment and remarks, the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2697. The Examiner is invited to contact the undersigned at 202-607-4607 to discuss any matter regarding this application.

Respectfully submitted,



Date: 6-27-05

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